APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,530	03/10/2004	Scott Lynn Michaelis	200313407-1	4525

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EXAMINER
PATEL, NITIN C

ART UNIT	PAPER NUMBER
2116	

NOTIFICATION DATE	DELIVERY MODE
02/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/797,530	MICHAELIS ET AL.
	Examiner	**Art Unit**
	Nitin C. Patel	2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2007</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18, and 20-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *11-18,21-29 and 34-36* is/are allowed.

6)☒ Claim(s) *1-3,9,10,30,31 and 33* is/are rejected.

7)☒ Claim(s) *4-8 and 32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This is in responsive to amendment filed on 20 November 2007.

2.   Claims 11 – 29, and 34 – 36 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 – 3, 9 – 10, 30, 31, and 33 are rejected under 35 U.S.C. 102(e) as

being clearly anticipated by Garnett et al. [hereinafter as Garnett], US Patent 7,235,276

B2.

4.   As to claim 1, Garnett discloses a system [multiprocessor/modular system, fig. 1]

and a method of managing configuration data for a multi-cell computer system [1 multi-

server system, fig. 1] [col. 1, lines 6 – 8], the method comprising: storing configuration

data [configuration information] for a given multi-cell computer system to nonvolatile

memory [667 non-volatile memory] of at least one cell of said given multi-cell computer

system [1][col. 32, lines 50 – 51]; and storing a corresponding identifier [FRU-ID] to said

nonvolatile memory [667] of said at least one cell that uniquely identifies the given multi-

cell computer system to which the stored configuration data corresponds [col. 32, lines

49 – 63, fig. 19B].

5.   As to claim 30, Garnett discloses a system [multiprocessor/modular system, fig.

1] comprising: a plurality of cells [as shown in fig. 1] in a multi-cell system [1 multi-server

system, fig. 1] [col. 1, lines 6 – 8], wherein multiple ones of said cells include non-

volatile memory [667 non-volatile memory] to which are stored configuration data

[configuration information] and a corresponding identifier [FRU-ID] that uniquely

identifies a given multi-cell partition [configuration space identifier] to which the cell's

respective stored configuration data corresponds [col. 32, lines 49 – 63, fig. 19B].

6.   As to claim 2, Garnett discloses storing configuration data comprises: storing

said configuration data [configuration information] to said at least one cell during a first

boot-up process [initialization with self configuration] of said given multi-cell computer

system [col. 32, lines 52 – 64].

7.   As to claim 3, Garnett discloses storing a corresponding identifier comprises:

storing said identifier [FRU-ID] that uniquely identifies [FRU] that said at least one cell

received said stored configuration data while a member of said given multi-cell

computer system [col. 32, lines 51 – 52].

8.   As to claim 9, Garnett discloses given multi-cell computer system is a partition of

a multi-cell computer system, said partition having a plurality of the cells of said multi-

cell computer system [1 multi-server system, fig. 1, 2] [col. 1, lines 6 – 8, col. 6, lines 25

– 36, fig. 1, 2, and 4].

9.   As to claim 10, Garnett discloses configuration data comprises at least one item

selected from the group consisting of: information identifying a boot path for said given

multi-cell computer system, information identifying a device [FRU-ID] to use as a system

console for said given multi-cell computer system, information identifying any tests to

run when booting up the given multi-cell computer system, and information identifying

resources of said given multi-cell computer system [col. 35, lines 12 – 24].

10.   As to claim 33, Garnett discloses each of said cells [FRU] include non-volatile

memory [667 non-volatile memory] to which are stored configuration data and a

corresponding identifier [FRU-ID] that uniquely identifies a given multi-cell partition to

which the cell's respective stored configuration data corresponds [col. 32, lines 49 – 63,

fig. 19B].

11.   Claims 1 – 3, 9 – 10, 30 – 31, and 33 are rejected under 35 U.S.C. 102(e) as

being clearly anticipated by Masuyama et al. [hereinafter as Masuyama], US Patent

6,961,761 B2.

12.   As to claim 1, Masuyama discloses a system [200 computer system, fig. 2] and a

method of managing configuration data for a multi-cell computer system [200] [col. 1,

lines 14 – 24, 31 – 40], the method comprising: storing configuration data for a given

multi-cell computer system to nonvolatile memory [145, 150, 155, domain configuration

registers] of at least one cell of said given multi-cell computer system [200]; and storing

a corresponding identifier to said nonvolatile memory of said at least one cell that

uniquely identifies the given multi-cell computer system to which the stored

configuration data corresponds [col. 1, lines 9 – 12, Col. 2, lines 33 – 35, lines 61 – 67,

col. 3, lines 34 – 62, col. 4, lines 40 – 53, fig. 2].

13.   As to claim 30, Masuyama discloses a system [200 computer system, fig. 2]

comprising: a plurality of cells [130, 135, 140] in a multi-cell system [200] [col. 1, lines

14 – 24, 31 – 40], wherein multiple ones of said cells include non- volatile memory [145,

150, 155, domain configuration registers] to which are stored configuration data [in

configuration space] and a corresponding identifier that uniquely identifies a given multi-

cell partition [configuration space identifier] to which the cell's respective stored

configuration data corresponds [col. 1, lines 9 – 12, Col. 2, lines 33 – 35, lines 61 – 67,

col. 3, lines 34 – 62, col. 4, lines 40 – 53, fig. 2].

14.   As to claim 2, Masuyama discloses storing configuration data comprises: storing

said configuration data to said at least one cell during a first boot-up process of said

given multi-cell computer system [col. 1, lines 9 – 12].

15.   As to claim 3, Masuyama discloses storing a corresponding identifier comprises:

storing said identifier that uniquely identifies that said at least one cell received said

stored configuration data while a member of said given multi-cell computer system [col.

1, lines 9 – 12, Col. 2, lines 33 – 35, lines 61 – 67, col. 3, lines 34 – 62, col. 4, lines 40 –

53, fig. 2].

16.   As to claim 9, Masuyama discloses given multi-cell computer system is a

partition of a multi-cell computer system, said partition having a plurality of the cells of

said multi-cell computer system [col. 1, lines 60 – 67,col. 2, lines 1 – 7, 33 - 60].

17.   As to claim 10, Masuyama discloses configuration data comprises at least one

item selected from the group consisting of: information identifying a boot path for said

given multi-cell computer system, information identifying a device [FRU-ID] to use as a

system console for said given multi-cell computer system, information identifying any

tests to run when booting up the given multi-cell computer system, and information identifying resources of said given multi-cell computer system [col. 35, lines 12 – 24].

18.   As to claim 31, Masuyama discloses at least one cell of said multi-ceil system is operable to determine whether its stored identifier matches a unique identifier of said multi-cell system [col. 3, lines 34 – 38].

19.   As to claim 33, Masuyama discloses each of said cells include non-volatile memory to which are stored configuration data and a corresponding identifier that uniquely identifies a given multi-cell partition to which the cell's respective stored configuration data corresponds [col. 1, lines 9 – 12, Col. 2, lines 33 – 35, lines 61 – 67, col. 3, lines 34 – 62, col. 4, lines 40 – 53, fig. 2].

20.   **Examiner's note**: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

21.   **Prior Art not relied upon**: Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

Allowable Subject Matter

22.   Claims 4 – 8, and 32, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nitin C. Patel   2/1/08
Primary Examiner
Technology Center 2100